


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Jose Orozco-Silva,)	
)	
Plaintiff,)	Civil No. 08-6084-TC
)	
v.)	FINDINGS AND
)	RECOMMENDATION
Pedro Gutierrez et al.,)	
<u>Defendants.</u>)	

COFFIN, Magistrate Judge:

After plaintiff's counsel withdrew in this matter due to plaintiff's failure to provide contact information to counsel, this court issued an order (#26) requiring plaintiff to notify the court within 30 days if he would be obtaining substitute counsel or proceeding pro se. Plaintiff was ordered to respond to the order and cautioned that a failure to respond would result in the dismissal of this action for failure to prosecute and failure to comply with a court order. Plaintiff has not responded and the postal service returned an envelope addressed to plaintiff at his last known address. As such, this action should be dismissed for failure to prosecute, failure to comply with a court order, and failure to file a timely notice of change of address. The five factors for dismissal discussed in Malone v. United States Postal Service, 833 F.2d 128 (9th Cir. 1987) have been weighed and indicate that dismissal is proper.

DATED this 24 day of March, 2010.


 THOMAS M. COFFIN
 United States Magistrate Judge